

04-12-01 A

04/10/01
JC962 U.S. PTO

Practitioner's Docket No. 55,693 (71699)

PATENT

J1002 U.S. PTO
09/832393 04/10/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): **Frank Robert Witter, MD**

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): **METHODS FOR COLLECTING CORD BLOOD
AND RELATED DEVICES**

CERTIFICATION UNDER 37 C.F.R. 1.10*

*(Express Mail label number is mandatory.)
(Express Mail certification is optional.)*

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 04/10/01, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL730 723 749 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

William J. Daley, Jr.
(type or print name of person mailing paper)

William J. Daley
Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

1. Type of Application

This new application is for a(n)

(check one applicable item below)

- Original (nonprovisional)
- Design
- Plant
- Divisional.
- Continuation.
- Continuation-in-part (C-I-P).

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

- The new application being transmitted claims the benefit of prior U.S. application(s) No. 60/195,936, filed April 10, 2000 as provided on page 1 of subject application.

3. Papers Enclosed

A. Required for Filing Date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

- 12 Pages of Specification
- 5 Pages of Claims
- 3 Sheets of Drawing

- Formal
- Informal

- The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. § 1.84(b).

B. Other Papers Enclosed

- 1 Page of Abstract
- __ Other

4. **Additional Papers Enclosed**

- Amendment to claims
- Cancel in this applications claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- Preliminary Amendment
- Information Disclosure Statement (37 C.F.R. § 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- Special Comments
- Other

5. **Declaration or Oath (including power of attorney)**

- Enclosed (unexecuted copy)

Executed by

- inventor(s).
- legal representative of inventor(s). 37 C.F.R. § 1.42 or 1.43.
- joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

- This is the petition required by 37 C.F.R. § 1.47 and the statement required by 37 C.F.R. § 1.47 is also attached. See item 13 below for fee.
- Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).
- Showing that the filing is authorized.

- Not Enclosed.

6. Inventorship Statement

The inventorship for all the claims in this application are:

The same.

or

Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
 is submitted.
 will be submitted.

7. Language

English

Non-English

The attached translation includes a statement that the translation is accurate. 37 C.F.R. § 1.52(d).

8. Assignment

An assignment of the invention to Johns Hopkins University

is attached. A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or FORM PTO 1595 is also attached.

will follow.

9. Certified Copy

Certified copy(ies) of application(s)

Country Appln. No. Filed

from which priority is claimed

is (are) attached.
 will follow.

10. **Fee Calculation (37 C.F.R. § 1.16)**

A. Regular application

CLAIMS AS FILED

Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$710.00
Total Claims (37 C.F.R. § 1.16(c))	37	- 20 =	17	x \$ 18.00	\$306.00
Independent Claims (37 C.F.R. § 1.16(b))	8	- 3 =	5	x \$ 80.00	\$400.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))				+ \$270.00	

Amendment cancelling extra claims is enclosed.
 Amendment deleting multiple-dependencies is enclosed.
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 1,416.00

B. Design application
(\$310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation \$ _____

C. Plant application
(\$480.00—37 C.F.R. § 1.16(g))

Filing Fee Calculation \$ _____

11. Small Entity Statement(s)

Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is (are) attached.

Status as a small entity was claimed in prior application USSN: _____, filed on _____ from which benefit is being claimed for this application under: 35 U.S.C. § 119(e), 120, 121, 365(c), and which status as a small entity is still proper and desired.

A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$ 708.00

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

Not Enclosed

No filing fee is to be paid at this time.

Enclosed

Filing fee \$ 708.00

Recording assignment
(\$40.00; 37 C.F.R. § 1.21(h))
(See attached "COVER SHEET FOR
ASSIGNMENT ACCOMPANYING NEW
APPLICATION.") \$ _____

Petition fee for filing by other
than all the inventors or person
on behalf of the inventor where
inventor refused to sign or cannot
be reached
(\$130.00; 37 C.F.R. §§ 1.47 and 1.17(i)) \$ _____

For processing an application with a
specification in a non-English language
(\$130.00; 37 C.F.R. §§ 1.52(d) and 1.17(k)) \$ _____

<input type="checkbox"/> []	Processing and retention fee (\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(l))	\$ _____
<input checked="" type="checkbox"/> [X]	Surcharge for filing application with missing parts (\$130.00/65.00 37 C.F.R. § 1.16(e))	\$ <u>65.00</u>
<input type="checkbox"/> []	Fee for international-type search report (\$40.00; 37 C.F.R. § 1.21(e))	\$ _____
Total Fees Enclosed		\$ <u>773.00</u>

14. Method of Payment of Fees

[] Check in the amount of \$_____.

[X] Charge Account No. 04-1105 in the amount of \$ 773.00.
A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

[X] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No._____.

[X] 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

[X] 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

[X] 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

[X] 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

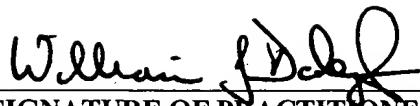
[X] 37 C.F.R. § 1.17 (application processing fees)

[] 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. **Instructions as to Overpayment**

Credit Account No. 04-1105

Refund



SIGNATURE OF PRACTITIONER

Reg. No. 35,487

Tel. No. (617) 523-3400

William J. Daley, Jr.
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109

Incorporation by reference of added pages

Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added _____

Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

Statement Where No Further Pages Added

This transmittal ends with this page.